

## **Application for Use of State-owned Aquatic Lands**

**Applicant Name:** 

**Shoal Bay Shellfish Company** 

County:

San Juan

Water Body:

**Shoal Bay** 

Type of Authorization:

Lease

**Authorization Number:** 

20-C12280

Term:

15 years

**Description:** 

DNR is considering an application to reissue lease 20-B12280. This application is a request to continue to maintain anchor ropes and surface floats for blue mussel aquaculture. The term is being considered for 15

years.

# STATE OF WASHINGTON EPARTMENT OF NATURAL RESOURCES

DOUG SUTHERLAND, Commissioner of Public Land

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQU

#### **SUBMISSION OF APPLICATION**

I.

AUG 1 2 2008

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BE THE DEPARTMENT OF NATURAL RESOURCES

Enclose a \$25.00 non-refundable application processing fee with the application (this fee is not required for local, state, and other government agencies). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Department of Natural Resources [Region/District Address]

	To (how name is to appear in the lease document:	ALBAYSholl-Fish Co.
Address:	3	
City:	State: Zip Code:	
Telephone Number		· · · · · · · · · · · · · · · · · · ·
Applicant's Representative		
Relationship to Applicant:		
Address:		
City:	State: Zip Cod	
Telephone Numbe	per: ( ) FAX Nur business purposes, Applicants' Washington Department of Re	

Whic			nthority to n - bylaws, power of attorney, etc):  Government Agency
			(State of Registration):
			(Spouse):
	Other(I	Please Explain):	(Opodaso).
		• ,	•
		•	<b>.</b> /
Has t	he site use been authorized before	e or is it currently under lease: Yes(#)	No Don't Know
III.	<u>LOCATION</u>	7 6. (	B A SITE LCC Non AL
The I	Body of Water on which the state	property is located: BED of Shopl	Bay Situated in Front of South 330 ft., Range Z WESTE/W
Coun	ty in which the state property is l	ocated: SAN JUAN COUNTY	<b>V</b>
Gove	rnment Lot, Section	on, Township	, Range ZWESTE/W
	•		
A Ll	GAL PROPERTY SURVEY IN	CLUDING THE LEGAL DESCRIPTION	AND OTHER INFORMATION ABOUT THE
<ul> <li>(2) (3) (4) (4)</li> </ul>			SURVEY REQUIREMENTS ARE DESCRIBED
			LAT WILL BE ATTACHED TO THE LEASE AS
Sec. 12, 12, 12, 12, 12	NEW PROPERTY OF THE PROPERTY O		U HAVE BEEN NOTIFIED IN WRITING
the service of the		BEEN ACCEPTED FOR PROCESSING	green to regress the control of the
		11 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
hvsi	cal description of Project Area (F	or example. Marsh. Tideflat adjacent to the	ne Chehalis River, etc.): Nonth of Browkier
an	A west of Cliff FACE	2 of Humphy Herap 500	Photo B"
		7 7	
	City:	State: Zip Code:	Phone Number:_
	*see tile ton o	then uplano hamo ow	VER.
			AREAS, PROOF OF OWNERSHIP, OR
			OR UPLAND PROPERTY MAY BE REQUIRED.
	我感觉到,这是不是,一个人就是这种的人的现在分词,但是他们的一个人们看到了,一个个人才的一样。	en la companya de proprio de entre central en experimenta de la companya de la companya de la companya de la c	CH A COPY OF THE DEED OR CONTRACT OF
SAL	<b>E</b> arrai inta <u>la rece</u> lectua e percesa		
	D. JAYANG P.		
ount	y Parcel No(s). for adjacent prop	erties, upland, and/or adjacent tideland pr	operties:
7.	USE OF PROPERTY		
•	Describe, in detail, the propos	ed use of the Property Culture	and growout for MARKETS ALES
•	of Mussells	vativa Blue mussels only)	The year out to the street
	Is or will the Property be suble	eased to another party? Yes	(If yes, submit a copy of the sublease agreement.
	What are the current and past	uses of the site?	Above-Held lease for Past
•			
	Do you have any knowledge of	f contamination of the site by toxic or haz	zardous substances, or of past uses or practices that
		ion by such substances? If so, please exp	
		,	
		· · · · · · · · · · · · · · · · · · ·	
	Do you know if any fill materi	al has been placed on the property in que	stion? If yes, please explain:
	· •		

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILINGS, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONGRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES.

	X.T	TMDD OXIDAMIAMIS
	V.	See Expense in file Tothe Exibit A
·	1.	IMPROVEMENTS  See Example in file Totto Exibit A"  What physical improvements currently exist on the site? (Photos may be required.)  Raft float 545 fem discribed in Octail in Original Prennit see Photo  If there are physical improvements currently on the site, who owns them?  Sharel Bay Shell in Sh. Co.
	2.	If there are physical improvements currently on the site, who owns them? Should by Shellfish Co.
	3.	If there are physical improvements currently on the site, describe their condition: Do to this years 90 to 1
		WINDS RATTS were damaged enough to WARRANT REPAIRST
	4.	Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? We intend for
•		persone one past at Atime for Repting,
	5.	Describe any physical improvements that the applicant is proposing to construct on the site:
	6.	Has any fill material been placed on the site? If Yes, please describe:
V		(Joint Aquatic Resource Permit Application)  This one form is used to apply for all of the following individual permits:
AUI	Panni	Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
ashi	panning sted lease	2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year floodplain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
por n	tion. Exist	Hydraulic Project Approval (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
FER	, jwc	4. Section 404 Permit (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
	•	5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

NPDES (National Pollutant Discharge Elimination System Permit

Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

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SEPA (State Environmental Policy Act) Checklist and Environmental Assessments
When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an
environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will
determine the types of impacts the project may have on the environment. The agency assessments may be the following
forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental
Impact Statements (EIS) or others prepared for the purpose of compliance.
· · · · · · · · · · · · · · · · · · ·
Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is
roposed to occur:
74/11

#### VII. PROPERTY SURVEY

## STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND EASEMENTS

Records of Survey are required for easements and leases granted by the department for:

Other grants as determined by the department based upon site specific considerations

County roads

Highways

Easements across high value lands Easements across transition lands

Utilities

Upland leases

Communication sites

• Drainage or irrigation easements

Railroads

 Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry

The applicant is responsible for:

All costs and work associated with creating, submitting, revising and recording the Record of Survey

- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.
- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 ½ X 11" copy and of the recorded survey including the auditor's recording information to the department.

## A Record of Survey must:

- Be produced by a licensed surveyor.
- 2. Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.
- Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number. 3.
- 4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
- Show the easement or lease area to an accuracy of  $(\pm)$  0.5% of the total area or  $(\pm)$  10 square feet, whichever is greater.
- (Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
- Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.

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- 8. Be related by meridian and coo ate to the Washington Coordinate System N 33(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used snall appear on the plat.
- Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
- 10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
- 11. Show the location of any proposed utility.
- 12. (linear lease or easement) Show the lineal footage along the centerline.
- 13. (linear lease or easement) Show the complete alignment information and width including any necessary curve data.
- 14. (Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean) Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
- 15. (Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary)
  Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
- 16. (A lease which encroaches on a previously leased site) Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

## Additional Requirements for Communication Site Leases

- 17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
- 18. Show access to the site.
- 19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
- 20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in **decimal degrees**. Coordinates must have at least five decimal places to the right of the decimal point and include a negative longitude.
- 21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
- 22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
- 23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

## Additional Requirements for Aquatic Land Uses

- 24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
- 25. (lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106) Provide the square footage of each structure and improvement.

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## Additional Requirements for Aquatic I Uses (cont.):

- 26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
  - a. Tidal areas—Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. Lease areas which contain tidelands and bedlands at a minimum must show the location of the line of extreme low tide crossing the lease area. Lease areas containing bedlands exclusively may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.
  - b. Lakes –Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
  - c. Rivers Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
  - d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
  - e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

#### **Record of Survey Revisions:**

- 27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
- 28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean, an as-built Record of Survey and a revised legal description of the linear lease must be provided.

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Survey Requirements updated July 2002.

All answers and statements are true and correct to the best of my knowledge.

Applicant	Michael L.C. Flynn	
**	(Please Print)	
Signed	(Applicant or Authorized Signature)	
Title	- President	_
Company	Shool Bay Shellfish Co	
Date	<u>6/30/08</u>	

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## For additional information contact one

the following region offices:

## Southeast Region

713 Bowers Rd Ellensburg, WA 98926-9341

509-925-8510 TTY: 509-925-8527

## **Northeast Region**

P.O. Box 190 225 S Silke Rd Colville, WA 99114-0190 360-684-7474

TTY: 509-684-7474

#### Olympic Region

411 Tillicum Ln Forks, WA 98331-9797 360-374-6131

TTY: 360-374-2819

### Pacific Cascade Region

P.O. Box 280 601 Bond Rd Castle Rock, WA 98611-0280 360-577-2025

TTY: 360-577-2025

### **Northwest Region**

919 N Township St Sedro-Woolley, WA 98284-9333 360-856-3500

TTY: 360-856-1371

### **South Puget Sound Region**

950 Farman Ave N Enumclaw, WA 98022

360-825-1631 TTY: 360-825-6381





